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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,876	06/27/2003	Jonathan Dale	073338.0134 (02-53311 FLA	7466
5073 7590 04/09/2007 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/608,876	Applicant(s) DALE, JONATHAN	
	Examiner Fadcy S. Jabr	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **1, 11, 21 and 31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claims 1, 11, 21 and 31**, the recitation, “if each of the events in the template..., Presenting the template for acceptance”, is vague and indefinite. It is unclear to the Office what the result is in the case when none of the events in the template have an associated service link. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **21-30** are rejected under 35 U.S.C. 101 because it is unclear which statutory class the invention belongs, in view of the fact that it is unclear whether the invention is an apparatus or a method. As currently recited, logic encoded in media, where the logic is not encoded on a *computer readable medium* executed by a computer causing the computer to perform the method steps of..., therefore the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al., Pub. No. US2002/0082877 A1 in view of Karppinen, Pub. No. US2004/0249684 A1 and Vance et al., Pub. No. US2006/0212321 A1, hereinafter referred to as Schiff, Karppinen and Vance, respectively.

As per **Claims 1, 3, 11, 13, 21, 23 and 31**, Schiff discloses a system and method of matching customer preferences with available options comprising:

- identifying a template specifying a plurality of events (0033, also see Figure 8);
- determining a plurality of consumer descriptors (see Figure 8);
- filtering the services from the service directory based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services for fulfilling the events (0044, 0100-0101, also see Figure 8);
- querying each of the potential services based on the additional service descriptors (0100-0101);

Schiff fails to *explicitly* disclose accessing a remote service directory having service descriptors for each of a *plurality of services*. However, Schiff discloses a variety of cruise lines and itineraries (see Figure 8). Further, Schiff discloses that this system may be used in other

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environments, e.g. airline, car rental, etc. (0031). Furthermore, Vance teaches a system that allows users to enter descriptors for airline, vehicle, and hotel reservations (see Figures 14C-14X). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Schiff and include a plurality of services in which the user can access as taught by Vance, because it allows the user to conveniently book services as part of a comprehensive trip using one online system.

Schiff fails to *explicitly* disclose identifying service links for accessing the selected services; modifying the template to associate the service links with the events; determining whether each of the events in the template has an associated service link; and if each of the events in the template has an associated service link, presenting the template for acceptance. However, Schiff discloses a set of cruise sailing search results that enables the user to view and select number of cruise sailings by marking the "check box" that corresponds to the selected cruise package (0120, also see Figure 8). By selecting the specific cruise itinerary; the user is able to view availability details regarding the cruise, wherein the available itineraries are listed once the searching process has ended (0116). Moreover, Karppinen teaches underlining may be used to show that the hotel name acts as a link to further on-line information. Column 522 shows the availability status for the hotels...Next to each hotel's room rate is a link to booking (making a reservation request) a hotel room (0043, also see Figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Schiff and include service links attached to potential bookings as taught by Karppinen, because it provides with the user with a further level of detail regarding the specific potential booking using well known web interface functionality.

As per Claims 2, 12 and 22, Schiff discloses the additional service descriptors comprise a plurality of interface descriptors each identifying a feature of the potential service and a format for interfacing with the feature (0066, 0100-0101, also see Figure 8).

As per Claims 4, 14 and 24, Schiff discloses wherein the consumer descriptors include global descriptors applicable across multiple templates and dynamic descriptors specifying constraints for one or more of the events (see Figure 8).

As per Claims 5-6, 15-16 and 25-26, Schiff fails to disclose including an additional event. However, Vance teaches allowing a user to search for airline reservations, where a user can include a hotel and a car reservation. Once the user reserves the airline reservation, the user is allowed to search for an additional event based on the parameters used to search for the airline, along with parameters pertinent to the additional event (e.g. hotel). The interface further allows the user to modify the potential service list, therefore further filtering the potential services based on additional parameters. Moreover, the interface has links that allow a user to book the service (see Figures 14C-14X). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Schiff and include allowing a user to search for additional services as taught by Vance, because it allows the user to conveniently book services as part of a comprehensive trip using one online system.

As per Claims 7, 17 and 27, Schiff discloses communicating payment information to at least one of the selected services (0067).

As per **Claims 8, 18 and 28**, Schiff discloses wherein the template comprises a text based file (see Figure 8).

As per **Claims 9, 19 and 29**, Schiff fails to disclose wherein the template specifies events for a travel itinerary that includes an air transportation event, a lodging event, a ground transportation event, and a plurality of activities. However, Schiff discloses that the system may be used in other environments, e.g. airline, car rental, etc. (0031). Furthermore, Schiff discloses that for each cruise sailing, there are typically a wide variety of pricings, luxury levels, features, and/or available activities (0008). Furthermore, Vance discloses a template that allows airline, hotel and car reservations to be booked (see Figures 14C-14X). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Schiff and include a template allowing a variety of services to be booked as taught by Vance, because it allows the user to conveniently book services as part of a comprehensive trip using one online system.

As per **Claim 10, 20 and 30**, Schiff discloses wherein the steps of accessing the remote service directory and querying the potential services each involve communications conforming to a publicly defined protocol (0010).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the

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specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

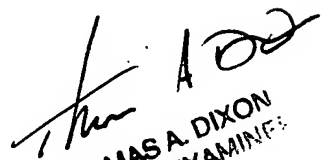
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ


THOMAS A. DIXON
PRIMARY EXAMINER

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